



October 15, 1999

Mr. Carl E. Lewis  
County Attorney  
Nueces County Courthouse  
901 Leopard, Rm 206  
Corpus Christi, Texas 78401-3680

OR99-2944

Dear Mr. Lewis:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 128964.

The Nueces County Sheriff's Department received a request for written statements of two individuals taken as part of a criminal investigation. You claim that the requested information is excepted from disclosure under section 552.108(a)(2) of the Government Code.<sup>1</sup> We have considered the exception you claim and reviewed the submitted information.

Section 552.108(a)(2) excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication." You have shown that the criminal investigation to which the requested statements relate concluded in a result other than conviction or deferred adjudication. Based upon this showing, we find that most of the requested information is excepted from disclosure pursuant to section 552.108(a)(2).

However, section 552.108 is inapplicable to basic information about an arrested person, an arrest, or a crime. Gov't Code § 552.108(c). We believe such basic information refers to the information held to be public in *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Thus, you must release the type of information that is

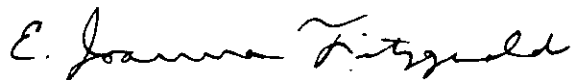
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<sup>1</sup>You also inquire as to whether section 552.101 might apply. However, in regard to the submitted records, we find that section 552.108 is dispositive. Therefore, it is not necessary to address section 552.101 in this letter.

considered to be front page offense report information to the extent that it appears in the requested records. Thus, with the exception of the basic front page offense information, you may withhold the written statements from disclosure based on section 552.108(a)(2). Although section 552.108(a)(2) authorizes you to withhold the remaining information from disclosure, you may choose to release all or part of the information at issue that is not otherwise confidential by law. *See* Gov't Code § 552.007.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



E. Joanna Fitzgerald  
Assistant Attorney General  
Open Records Division

EJF\nc

Ref: ID# 128964

Encl: Submitted documents

cc: Dr. Leobardo Cano  
Superintendent of Schools  
Robstown Independent School District  
801 North First Street  
Robstown, Texas 78380  
(w/o enclosures)